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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,754	12/02/2003	Chiao Fu	P5199	7615

7590

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EXAMINER

EDGAR, RICHARD A

ART UNIT

PAPER NUMBER

3745

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/727,754

Applicant(s)

FU, CHIAO

Examiner

Richard Edgar

Art Unit

3745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 2 December 2003 under 37 CFR §1.53(b).
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/2/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 4-9 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 3,963,382 (Patton hereinafter).

Patton discloses a fan device comprising: a net housing 16 including a front cover 18 and a rear casing 20 secured together, said casing including a concaved chamber 32 formed therein (see column 3, lines 7-10), a motor 10 received in said concaved chamber of said casing, and including a spindle 12 extended into said net housing 16, and a fan member 14 attached to said spindle, and to be driven by said motor, said motor 10 being protected by said casing 20 of said housing 16.

The casing 20 of the housing 16 includes a hub 38 provided therein, said motor 10 includes at least one ear extended therefrom and secured 40 to said hub of said housing.

The cover 18 and the casing 20 include inner peripheral portions 22, 24 contacted with each other, and the housing includes a peripheral frame 64 engaged onto the inner peripheral portions of the cover and the casing, to secure the cover and the casing together. The peripheral frame 64, see Figures. 5 and 6, includes a peripheral recess formed therein and defined between two flaps 70, to receive and secure the inner peripheral portions 22, 24 of the cover and the casing together.

The fan device further comprises a carrier 46 to support the net housing 16. The carrier includes a front portion and a rear portion each having an arm 48 extended therefrom, to secure the net housing 16 between the arms 48 of the carrier 46. Each of the arms 48 includes a pad 54 attached thereto and engaged with the net housing 16. Each of the arms 48 includes a bar 76 attached thereto to support the pad 54.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 3,963,382 (Patton hereinafter).

Patton discloses a fan as explained above. The fan further comprises a switch device 60 secured to the casing 20. The device 60 is located adjacent the recessed chamber and not within the chamber.

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to move the switch device within the chamber because Applicant has not disclosed that the location of the switch provides an advantage, is used for a particular purpose, or solves a stated problem.

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One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the switch located anywhere on the housing because the location of the switch is chosen based on ergonomics.

Therefore, it would have been an obvious matter of design choice to modify Patton to obtain the invention as specified in claim 3.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 3,963,382 (Patton hereinafter) as applied to claim 6 above, and further in view of United States Patent No. 6,347,922 (Wang hereinafter).

Patton teaches a portable fan as explained above, but does not teach the carrier 46 having at least one wheel attached thereto to allow the carrier to be easily moved.

Wang shows a portable fan having a carrier 20 with at least one wheel 31 attached thereto, for the purpose of easily moving the carrier.

Since Patton shows a portable fan, and Wang teaches at least one wheel attached to a frame of a portable fan, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the Patton carrier 46 to have at least one wheel attached thereto, as taught by Wang for the purpose of easily moving the carrier.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 3,963,382 (Patton hereinafter) as applied to claim 6 above, and further in view of United States Patent No. 3,876,202 (Allison hereinafter).

Patton teaches a portable fan as explained above, but does not teach the carrier having at least one leveling screw attached thereto.

Allison show a device support by legs having at least one leveling screw attached thereto for the purpose of leveling the device.

Since Patton teaches a carrier resting on the floor, and Allison teach the legs rested on the floor should have leveling screws therein, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the carrier of Patton to have at least one leveling screw therein for the purpose of leveling the carrier.

Claim 12 rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 3,963,382 (Patton hereinafter) in view of United States Patent No. 3,876,202 (Allison hereinafter) as applied to claim 11 above, and further in view of United States Patent No. 6,347,922 (Wang hereinafter).

The modified Patton teaches a portable fan having leveling screws, but does not teach the leveling screws being mounted in a bracket attached to the carrier.

Wang shows that when a portable fan is mounted with at least one wheel, a bracket 22 should be used to level the carrier.

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Since the modified Patton is a portable carrier, and Wang teach to use wheels and a mounting bracket for portable fans, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to further modify the Patton fan to have a bracket attached to the carrier for the purpose of leveling the carrier when wheels are used.

**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Edgar whose telephone number is (571) 272-4816. The examiner can normally be reached on Mon.-Thur. and alternate Fri., 7 am- 5 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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Examiner  
Art Unit 3745

RE



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3/15/05